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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/785,273

02/24/2004

Lowell L. Winger

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EXAMINER

ANYIKIRE, CHIKAODILI E

ART UNIT

PAPER NUMBER

2621

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/785,273	<b>Applicant(s)</b> WINGER ET AL.	
	<b>Examiner</b> CHIKAODILI E. ANYIKIRE	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This application is responsive to application number (10/785273) filed on February 24, 2004. Claims 1 – 18 are pending and have been examined.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon (US 2004/0066848) in view of Kondo et al (US 2004/0136461, hereafter Kondo).

As per **claims 1 and 10**, Jeon discloses a method and apparatus for determining a first and a second reference picture used for inter-prediction of a block, comprising the steps of:

(A) finding a co-located picture and block (paragraph [0088] Ln 1-2);

(B) determining a reference index (paragraph [0088] Ln 9-12 and [0089]);

(D) using said reference index to determine said second reference picture (paragraph [0111]); the prior art discloses two reference pictures in a list0 and list1, which represents a first and second reference picture), wherein said first and second reference pictures are used for inter-prediction of said current block (paragraph [0111]; as evidenced by Jeon the two reference pictures list0 and list1 are used for inter-prediction of the B-frame and calculates motion vectors corresponding to each list).

However, Jeon does not explicitly teach mapping the reference index to a lowest valued reference index in a current reference list.

In the same field of endeavor, Kondo teaches mapping the reference index to a lowest valued reference index in a current reference list (paragraph [0102]).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Jeon with Kondo. Kondo explains that the advantage of using the smallest reference index is improvement in coding efficiency (paragraph [0102]).

As per **claims 2 and 11**, Jeon discloses the method and apparatus according to claims 1 and 10, wherein said block comprises an H.264 direct-mode macroblock or macroblock partition ([0011] Ln 6 – 10; the prior art discloses the direct-mode in conjunction H.264 on a slice level and can also be performed on a macroblock since a slice is made up of macroblocks.).

As per **claims 3 and 12**, Jeon discloses the method and apparatus according to claims 1 and 10.

However, Jeon does not explicitly teach wherein step (C) further comprises:

storing a unique identifier for each reference picture, wherein said unique identifier is associated from (i) when said unique identifier was used as an inter-reference in the co-located picture to (ii) when said unique identifier is made available as a potential List0 inter-reference for the current picture.

In the same field of endeavor, Kondo teaches wherein step (C) further comprises:

storing a unique identifier for each reference picture (Fig 1 element 108), wherein said unique identifier is associated from (i) when said unique identifier was used as an inter-reference in the co-located picture to (ii) when said unique identifier is made available as a potential List0 inter-reference for the current picture (paragraph [0102] and [0105] lines 8-9; Kondo teaches that the motion vector refers to a picture of which reference index is the smallest).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Jeon with Kondo. Kondo explains that the advantage of using the smallest reference index is improvement in coding efficiency (paragraph [0102]).

As per **claims 4 and 13**, Jeon discloses the method and apparatus according to claims 1 and 10.

However, Jeon does not explicitly teach further comprising the step of:

storing a unique identifier of a direct-mode reference picture.

In the same field of endeavor, Kondo teaches further comprising the step of:

storing a unique identifier of a direct-mode reference picture (paragraph [0102] and [0105] lines 8-9; Kondo teaches that the motion vector refers to a picture of which reference index is the smallest).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Jeon with Kondo. Kondo explains that the advantage of using the smallest reference index is improvement in coding efficiency (paragraph [0102]).

As per **claims 5 and 14**, Jeon discloses the method and apparatus according to claims 4 and 13, wherein said direct-mode operates on (i) a macroblock when in a first configuration and (ii) a macroblock partition when in a second configuration ([0087], the prior art discloses four different combination, configurations, for a frame mode and field mode, which are made up of macroblocks; the prior art discloses performing the method on a slice level (paragraph [0011] Ln 6-11)).

As per **claims 6 and 15**, Jeon discloses the method and apparatus according to claims 4 and 13.

However, Jeon does not explicitly teach further comprising the step of:

searching the current reference List0 for the lowest valued reference index identifier by said unique identifier and returning the value of said lowest valued reference index.

In the same field of endeavor, Kondo teaches further comprising the step of:

searching the current reference List0 for the lowest valued reference index identifier by said unique identifier and returning the value of said lowest valued reference index (paragraph [0102] and [0105] lines 8-9; Kondo teaches that the motion vector refers to a picture of which reference index is the smallest).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Jeon with Kondo. Kondo explains that the advantage of using the smallest reference index is improvement in coding efficiency (paragraph [0102]).

As per **claims 7 and 16**, Jeon discloses the method and apparatus according to claims 1 and 10, wherein said method and apparatus further comprising the step of:

implementing an interpolative direct-mode prediction and a flexible choice for the picture referenced by a finite index reference (paragraph [0093]; the prior art discloses performing a motion vector prediction, interpolative direct-mode prediction, and the reference pictures are referenced by an index number that is finite).

As per **claims 8 and 17**, Jeon discloses the method and apparatus according to claims 1 and 10, wherein said method is implemented in a video encoder (paragraph [0014] Ln 2-5 and paragraph [0018] Ln 4; the prior art discloses a coding system and makes reference to a compression technique).

As per **claims 9 and 18**, Jeon discloses the method and apparatus according to claims 1 and 10, wherein said method is implemented in a video decoder (paragraph [0018] Ln 1-8; the prior art discloses a coding system and makes reference to a decoded picture therefore a decoder is part of the coding system, which is well known in the art).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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